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# POST-RACIAL OR POST-REFORM?: EXAMINING THE CHANGE AND CONTINUITY OF RACIAL POLITICS AFTER 2015

By Daniel Kato\*

MICHAEL G. HANCHARD, *THE SPECTRE OF RACE: HOW DISCRIMINATION HAUNTS WESTERN DEMOCRACY* (PRINCETON UNIVERSITY PRESS 2018). Pp. 272. HARDCOVER \$29.95. PAPERBACK \$22.95.

CHARLES J. OGLETREE, JR. & AUSTIN SARAT, EDS., *RACIAL RECONCILIATION AND THE HEALING OF A NATION: BEYOND LAW AND RIGHTS* (NEW YORK UNIVERSITY PRESS 2017). Pp. 224. HARDCOVER \$89.00. PAPERBACK \$28.00.

RUTH CARBONETTE YOW, *STUDENTS OF THE DREAM: RESEGREGATION IN A SOUTHERN CITY* (HARVARD UNIVERSITY PRESS 2017). Pp. 272. HARDCOVER \$41.00.

There is a well-known saying that the road to hell is paved with good intentions. In light of the pointedly tragic events in Charleston, South Carolina to the death by a thousand cuts that is the plight of many Latin@s currently residing in the United States, three books in particular have taken up the task of tracing the unfortunate consequences of well-intentioned policies, discourses and practices commonly associated with what many generally have described as the ‘post-racial’ era.

In his book entitled, *The Spectre of Race: How Discrimination Haunts Western Democracy*, Michael Hanchard sets out three objectives: 1) to provide a broad historiographical account of the origins of comparative politics as a discipline that anchors the nexus of race and polity as the constitutive tension driving much of this subfield of political science; 2) a comparative analysis of how polities have either ignored, combatted or accommodated racial inequality; and 3) a literature review of promising lines of

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\*From the *Tulsa Law Review* editors: Dr. Daniel Kato received his PhD in Politics from the New School for Social Research. Most recently, Dr. Kato served as a lecturer in United States politics at Queen Mary University of London. Dr. Kato passed away before reviewing our edits to this essay. We have included the edits affecting formatting and citations but have otherwise left it as-is. Our deepest sympathies go to Dr. Kato’s family, friends, colleagues, and students. We are honored to publish a piece of his scholarly work.

research in the field of comparative politics.<sup>1</sup> With respect to the first objective, Hanchard's book is to the subfield of comparative politics as Robert Vitalis, *White World Order, Black Power Politics* is to the subfield of International Relations<sup>2</sup> and Jessica Blatt's *Race and the Making of American Political Science* is to US politics<sup>3</sup> in that each expose the racialized foundations of the various sub-fields in political science. It is at this level that Hanchard's book is at its best. His critical excavation of the 'preprofessional past' via an examination of the openly racist work of Edward Augustus Freeman and the likely adoption of Freeman's work by President Woodrow Wilson works to not only better contextualize the formal establishment of the discipline in 1955, but also provide a more coherent analysis of the recurrent critiques and tensions that practitioners of comparative politics face.<sup>4</sup>

Whereas Hanchard is focusing on the forest of comparative politics as a discipline and how it impacts the scholarly works that are subsequently produced within it, Yow is clearly immersed within the trees trying to ascertain how broader social and political dynamics play themselves out in a highly localized setting. In *Students of the Dream*, Ruth Carbonette Yow also sets out three aims: 1) a 'melding' of ethnography and oral history of current and former students of the Marietta public school system; 2) comparative account of segregation of African Americans in the Marietta public school system in the 1960s with the re-segregation of Latin@s in the 2000s and 3) a discursive analysis of neoliberal reforms of educational policies in a suburb in the American South. Whereas Yow's subject matter is aligned with the burgeoning literature that examine racial dynamics in the American suburbs, her normative sympathies and book structure seems more aligned with Ruth Wilson Gilmore's *Golden Gulag*.<sup>5</sup> Not satisfied with simply unpacking the complex dynamics of interests, actors and institutions that coalesce to create structural inequities, Yow ends her book by focusing on a community organization that initially appears as a non-sequitur to educational policy but might actually hold the key to the kind of paradigmatic shift that is needed to address the concerns facing the majority of students in Marietta County. Such outside-the-box thinking is not only innovative but also commensurate with the kind of commitment Yow brings to the subject and is to be commended.

In an edited volume entitled, *Racial Reconciliation and the Healing of a Nation*, Charles Ogletree Jr. and Austin Sarat have collected a wide assortment of topics from various authors to assess "where we are in the work [of racial reconciliation]."<sup>6</sup> In a chapter entitled, "Racial Fakery and the Next Postracial," Matthew Pratt Guterl re-examines the controversies of whether Rachel Dolezal is 'really' black or not in order to problematize

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1. See generally MICHAEL G. HANCHARD, *THE SPECTRE OF RACE: HOW DISCRIMINATION HAUNTS WESTERN DEMOCRACY* (2018).

2. ROBERT VITALIS, *WHITE WORLD ORDER, BLACK POWER POLITICS: THE BIRTH OF AMERICAN INTERNATIONAL RELATIONS* (2015).

3. JESSICA BLATT, *RACE AND THE MAKING OF AMERICAN POLITICAL SCIENCE* (2018).

4. See HANCHARD, *supra* note 1, at 32–35.

5. RUTH WILSON GILMORE, *GOLDEN GULAG: PRISONS, SURPLUS, CRISIS AND OPPOSITION IN GLOBALIZING CALIFORNIA* (2007).

6. Charles J. Ogletree, Jr. & Austin Sarat, *Introduction: Bridging the Black-White Divide*, in *RACIAL RECONCILIATION AND THE HEALING OF A NATION* 1, 8 (Charles J. Ogletree, Jr. & Austin Sarat eds., 2017).

essentialist notions of real and phony. As he states, “[w]e shouldn’t be doing the indexical work of racial capitalism. Instead the index itself should be our object.”<sup>7</sup> Osagie K. Obasogie focuses on addressing the damage done by biological understandings of race in the chapter entitled, “Race and Science: Preconciliation as Reconciliation.” In an inspiring twist of fate, Obasogie, who is a professor of law, pushes a non-litigant approach of race impact assessments in part by invoking section five of the Fourteenth Amendment. In her article entitled, “From Perceiving Injustice to Achieving Racial Justice,” Carla Shedd returns to familiar territory that was explored in Yow’s book concerning education, policy, and race. But unlike Yow who examines suburban schools in the South, Shedd focuses on segregated schools in Chicago to not only remind the reader of the critical role that schools play in the formation and socialization of their charges but also how “place becomes as important as the master status category of race.”<sup>8</sup> Naomi Murakawa outlines the dangers of new police tactics that puts an onus on empathy and the “false egalitarianism of feelings,”<sup>9</sup> in her chapter entitled, “Weaponized Empathy: Emotion and the Limits of Racial Reconciliation in Policing.” In much the same way that corporations emphasizes mindfulness and Buddhist meditation techniques to deal with the stresses of low wages and long hours, Murakawa expertly unpacks how “demands for carceral divestment are being translated into carceral investments” that reduce resistance to police power without actually reducing that power.<sup>10</sup> Valerie Cooper revisits the segregation in churches in the United States in light of the massacre in Charleston, South Carolina in her chapter, “Black Death Matters, Too.” After the killing of nine black churchgoers in South Carolina by a white supremacist, Cooper regards racial reconciliation as both more difficult and necessary and calls on Christians of all races to follow in the footsteps of Jesus. The last chapter is by Kirstie Dorr and is entitled, “The Post-National Racial State, Domestication, and Multiscalar Organizing in the New Millennium.” Dorr focuses on three case studies: 1) the recent crises regarding ethnic studies programs in California universities, 2) the lack of attention paid to the horrific case of police officer Daniel Holtzclaw and 3) the Memim Penguin controversy that included competing constructions of race in and across Mexico and the United States—in order to highlight the discursive costs of maintaining artificial categories that are wedded to antiquated notions of domesticity, nationality and geography.

Whereas much can be gleaned from an analysis of these works in isolation, I would like to take this opportunity to see what insight can be ascertained by comparing these works with each other. The common trope across all of these works is that as enduring as racism is, it is nonetheless in constant need of updating to see what has stayed the same and what has changed. Critical interrogations of how race currently operates are not only addressing the fallacy that racism is no longer a dominant trope in the United States, but also the misconception that racism has never changed. Previous racialized frameworks have been upended, often as a result of the tireless efforts of progressive activists. The

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7. Matthew Pratt Guterl, *Racial Fakery and the Next Postracial*, in RACIAL RECONCILIATION AND THE HEALING OF A NATION 25, 39 (Charles J. Ogletree, Jr. & Austin Sarat eds., 2017).

8. Carla Shedd, *From Perceiving Injustice to Achieving Racial Justice*, in RACIAL RECONCILIATION AND THE HEALING OF A NATION 62, 70 (Charles J. Ogletree, Jr. & Austin Sarat eds., 2017).

9. Naomi Murakawa, *Weaponized Empathy*, in RACIAL RECONCILIATION AND THE HEALING OF A NATION 89, 105 (Charles J. Ogletree, Jr. & Austin Sarat eds., 2017).

10. *Id.* at 90.

frameworks that have replaced them are generally less explicitly racist and even possibly well-intentioned, but they too require a critical examination of assumptions, limitations and consequences. Subtlety should not be mistaken as progress and might even be more damaging due to its insidiousness.

Hallowed institutions, like the church and football, have been hollowed out. Despite the lofty rhetoric of love, charity and universality, churches in the United States, according to Valerie Cooper, remain overwhelmingly segregated. With football, Ruth Carbonette Yow uncovers how the bridges built across race and class difference on the football field not only rarely cross over to the rest of society, but also silences structural analyses of racial disparities in the social world. What is said and done in church and the football field, unfortunately stays there and does not extend out to other aspects of life.

The damage created by such divisions is not limited to those arenas. Kirstie Dorr elaborates on the contradictions that arise when demarcations are artificially constructed. Whether it is disaggregating our lives into public and private, distinguishing ‘black’ from ‘brown’ communities or the uncritical adoption of the nation-state as the default scale of social action, such artificial constructions, according to Dorr, “risk[] undermining social justice agendas.”<sup>11</sup> Dorr’s important rejoinder must be contextualized however, which she does. Whether it is declining enrollment numbers, as was the case with her example of ethnic studies programs in public universities in California, or a drop in student retention as was the case in Yow’s depiction of the public school system in Marietta, Georgia, the divisive nature of reforms are often a consequence of broader social dynamics that constrain what policy-makers can do.

Guterl’s strategy when faced with sub-optimal options for increasingly severe problems has been to expose the false nature of the choices being provided. By exposing the ideological straightjacket that the Dolezal controversy is seemingly constrained to, Guterl provides a critical intervention in the hopes of expanding the boundaries of what is possible. Whereas Guterl wants to opt-out of the binary debate regarding whether Dolezal is really black or not, Yow takes it one step further and actually provides an example of an organization that is providing an alternative beyond the traditional parameters of the constructed debate as it pertains to education policy. In her work on education re-segregation in a Southern suburb, Yow not only exposes the intractable crises facing the Marietta public school system, but also identifies people committed to a reorientation of how education, community and citizenship is understood, which Yow believes to be essential for any genuine change to occur.

The urgency of such work might get lost in the analysis and that is why most of these works are prefaced by, or more likely haunted by, the events of Charleston, Charlottesville, Ferguson, and elsewhere. Murakawa’s intervention on police empathy is not simply an academic exercise in discursive analysis but a plea to stop the incessant acts of police brutality. Hanchard ends his book with a postscript, “From Athens to Charlottesville” to unpack the deadly ramifications that distorted conceptions of democracy and its

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11. Kirstie A. Dorr, *The “Post-national” Racial State, Domestication, and Multiscalar Organizing in the New Millennium*, in *RACIAL RECONCILIATION AND THE HEALING OF A NATION* 150, 155 (Charles J. Ogletree, Jr. & Austin Sarat eds., 2017).

concomitant demands for homogeneity have on present-day events.<sup>12</sup> In reading these academic texts, there is an almost visceral reaction that simultaneously inspires and distracts.

But the immensity of the task is dispiriting at best. Schools, churches, police departments, universities, political science departments, and hospitals have all made subtle acknowledgements for past mistakes, embraced value-neutral terminology and pursued reformist policies to address current disparities. But faced with pressures of privatization, abstention and revanchism, all of these institutions however have built-in reasons to delay implementation of reform and/or re-direct resources to other priorities. Severity of the problems is up against the intractability of genuine change.

In the shadow of the ‘post-racial’ era, it might be time to rethink one’s commitment to these cherished institutions. Many of the institutions that have been chronicled in these accounts have already went through a round of reforms. Harchand notes three pivotal moments when it comes to the discipline of comparative politics, with each moment trying to extricate the racial bias inherent in the discipline; Yow describes the current crisis in the Marietta public schools as “second-generation segregation”;<sup>13</sup> and Obasogie chronicles how notions of biological understandings of race have already been rejected by the scientific community and have yet nonetheless returned. At what point should institutional reform give way to institutional abandonment? Murakawa hints at this in her piece on the police when she quotes Rachel Herzog: “perhaps the goal should not be to improve how police functions but to reduce its role in our lives.”<sup>14</sup> Is this call for reduction perhaps not enough though? Perhaps the goal should not be reduction, but elimination.

Of course, each institution should be evaluated separately, and such conclusions might be too hasty at this point in time, but there does seem to be a reckoning of sorts that each should address. In certain sectors, calls for abolition have already been made. Alex Vitale’s book *End of Policing* is a fairly straightforward example of this when it comes to policing.<sup>15</sup> In other areas, it seems to be occurring more subtly. Whether it is high school students dropping out as is the case in Yow’s account of the Marietta school system,<sup>16</sup> university students not enrolling in ethnic studies courses in Dorr’s account of California universities<sup>17</sup> or the drop in church attendance as is the case chronicled by Cooper,<sup>18</sup> people are seemingly voting with their feet and perhaps it is just a matter of time when there is a litany of books that start with the title, “The End of (fill in cherished institution here).”

Shedd’s account of educational disparities in the Chicago school system was instructive across sectors in part because she prefaced her ethnographic work by not only outlining the crucial role that the public school system plays in their lives but also demonstrating its unique role that only it can provide. In so doing, Shedd not only includes

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12. See HANCHARD, *supra* note 1, at 207–15.

13. RUTH CARBONETTE YOW, *STUDENTS OF THE DREAM: RESEGREGATION IN A SOUTHERN CITY* 76 (2017).

14. Murakawa, *supra* note 9, at 89.

15. See ALEX VITALE, *THE END OF POLICING* (2017).

16. YOW, *supra* note 13, at 14.

17. Dorr, *supra* note 11, at 162.

18. Valerie C. Cooper, *Black Deaths Matter, Too*, in *RACIAL RECONCILIATION AND THE HEALING OF A NATION* 113, 133 (Charles J. Ogletree, Jr. & Austin Sarat eds., 2017).

a rigorous critique of the Chicago school system but also an almost equally powerful defense of the public school system as well. I wonder how other authors would negotiate such a balancing act with their areas of interest. For Marchand and the academic discipline of comparative politics, at what point does “the spectre of race” necessitate a strategy that extends beyond an immanent critique of the discipline and lead to perhaps an active abandonment of it? For Murakawa and the ubiquitous presence of police in communities of color, why only reduce the scale of policing and not endorse an end to it? In effectively and comprehensively dismantling the myths that the US is now in a post-racial era, many of the authors left me wondering that perhaps it is better to understand the previous period as the post-reform era, which then leads to questions of whether it is more fruitful to cut the umbilical cord with these institutions or to continue struggling to improve it from within.

These readings all seem to share an inspiration sparked by outrage, a methodological rigor that is both incisive and innovative, and conclusions that lead to further introspection and evaluation. They each are reckoning with how to reconcile the sordid infamy of the distant past with the ‘cruel optimism’ of the immediate past in the hopes of not only accurately situating the present but to inform what should be done in the future as well.<sup>19</sup> There is a spectre haunting the United States and it extends beyond law and rights and can turn dreams into nightmares. At best, the past is prologue. At worst, the past is epilogue. Either way, these readings matter.

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19. *See generally* LAUREN BERLANT, *CRUEL OPTIMISM* (2011).